

April 28, 2015

Via ECF

The Honorable Lorna G. Schofield
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *In re Foreign Exchange Benchmarks Antitrust Litigation*, 13 Civ. 7789 (LGS)
("Consolidated Action"); *Taylor, et al. v. Bank of America Corporation, et al.*, 15
Civ. 1350 (LGS) ("Taylor"); *Sterk, et al. v. Bank of America Corporation, et al.*,
15 Civ. 2705 (LGS) ("Sterk")

Dear Judge Schofield:

On behalf of the undersigned defendants, we respectfully file this letter to request clarification of Your Honor's orders issued on April 20, 2015 in each of the above-referenced matters ("April 20 Orders") and on April 17, 2014 in the *Sterk* action ("April 17 Order").

The April 20 Orders, among other things, set aside the previously set briefing schedule in the *Taylor* action, scheduled the next conference for all of the cases on June 18, 2015, and extended defendants' time to respond to the *Taylor* and *Sterk* complaints to the same day. The April 20 Orders also instructed plaintiffs in the Consolidated Action to file a letter on ECF no later than June 12 regarding the relationship among and potential consolidation of all of the cases, and provided defendants the opportunity to file a letter by that same date addressing issues raised in previously filed letters by the *Taylor* and *Sterk* plaintiffs and potential consolidation. In addition, the April 20 Orders listed possible topics of discussion for the June 18 conference, including (1) consolidation of the actions for limited or all purposes, (2) the need and schedule for appointment of lead counsel for the *Taylor* and *Sterk* actions, and (3) the schedule for defendants' response to those actions.

Defendants' deadline for responding to the *Taylor* and *Sterk* complaints is thus now set for June 18, the same day on which the court will address potential consolidation and the schedule for that response. Defendants would like to confirm that it is the Court's intention that no response will be due to those complaints on June 18 and that a schedule for any response will be set at the June 18 conference.

Defendants also request that the time to answer the Consolidated Amended Complaint in the Consolidated Action be vacated. By Order dated March 12, 2015, the Court set the deadline for defendants to serve and file their answers as June 16, 2015, "or 45 days after Plaintiffs file an amended complaint (in which case Defendants shall respond to such amended complaint), whichever is later." A subsequent Minute Order, dated April 21, 2015, confirmed the June 16, 2015 deadline for defendants to answer the Consolidated Amended Complaint, but did not address the possibility of an amended complaint. We have conferred with plaintiffs' counsel in the Consolidated Action who have advised: In light of plaintiffs' filing an amended

complaint in early June, plaintiffs have no opposition to defendants' request to vacate their answer obligation. Thus, we request that the time for defendants to either answer the current complaint in the Consolidated Action or respond to an amended complaint be vacated and set at the June 18 conference as well.

The April 17 Order scheduled an initial pretrial conference in the *Sterk* action for June 3, 2015 and set a deadline for plaintiffs and defendants to prepare a joint Proposed Civil Case Management Plan and Scheduling Order. Given the April 20 Orders, defendants respectfully request clarification regarding whether the June 3 conference is adjourned and the related deadline vacated.

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The foregoing letter is respectfully submitted on behalf of the undersigned defendants:

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